MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2018/2019

UCR2622 – CRIMINAL LAW II

(All Sections / Groups)

12 MARCH 2019

Reading Time : 2.30 pm-2.45 pm
(15 Minutes)
Answering Time: 2.45 pm-5.45 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to choose **ONE** question in **PART A** whereas in **PART B** all questions are **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.

4. **Offences covered under UCR 2612 (Criminal Law I) should not be discussed.**

5. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of Penal Code (Act 574). "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

6. Please write all your answers in the Answer Booklet provided.

PART A (CHOOSE ONE OUT OF TWO QUESTIONS)

Question 1

Roger was the Managing Director of Great Company and had the control of selecting and recommending any tender or proposal to be approved by the company's Board of Directors. Without the Board's knowledge, Roger had recommended a proposal from Jom Company, which did not exist, to purchase stationery for Great Company. Believing that the proposal has been duly vetted by Roger, the Board of Director approved the purchase and RM100,000 was paid to Jom Company's account, which was in fact Roger's personal account.

At the same time, Roger had approached Kita Bookstore to sell him stationery with subsidised payment as he convinced the manager of the bookstore that the purchase was for an orphanage. Instead of giving a discount, the manager agreed to donate the stationery worth RM1,000 without realising that Roger was defrauding him.

Delilah, the company's secretary, who was aware of Roger's scam, threatened him that she will disclose his misconduct to the company's Board of Directors if Roger did not share half of his proceeds with her. She said that as long as Roger paid, she will conceal Roger's deed and Roger agreed.

Recently Great Company held an internal inquiry against Roger and Delilah as there were irregularities in the purchase of the stationery. Roger denied any allegation as the company did not suffer any loss. However, Roger was told that Kita Bookstore had filed a civil suit against them as they claimed that the stationery were illegally obtained. Roger contended that he had mistakenly believed that the stationery were legally obtained and that Delilah should be blamed as she failed to remind him. Delilah on the other hand, denied any liability and alleged that she was forced by Roger who used his position to silence her. Dissatisfied with the given explanations, Great Company lodged a police report against Roger and Delilah.

Discuss the criminal liabilities of Roger and Deliah.

(Total 25 marks)

Question 2

Mike, Boy and Ken were good friends. Recently Ken had an argument with John and he told his friends that he wanted to teach John a lesson. Mike and Boy agreed and they followed Ken to John's house with their faces covered in masks. They rushed into John's house by breaking through the front door which was closed but John was not at home. While they ransacked his house for valuables, Ken found John's daughter Lana aged 15 years old in one of the rooms and he invited Mike and Boy to "play" with her. Ken forced her to have sexual intercourse with him while Mike and Boy watched. As they were running out of time, Boy did not touch the girl and all of them ran away with John's property worth RM30,000.00

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A days few later, Boy called John and told him that he had a video of his daughter being raped and he wanted John to give to him RM100,000.00 in cash if he wanted the video to be deleted. He told John that he will collect the money the next day. The next day, Boy came with his friends to collect the ransom money but all of them were arrested as John had called the police earlier. All three of them denied liabilities for offences that have been committed.

Additionally, Mike claimed that he was suffering from a delusion and did not have a clear mind when he joined his friends. Boy on the other hand, claimed that he was forced to follow whatever Ken did as Ken was stronger and violent.

Discuss the criminal liabilities of Mike, Boy and Ken.

(Total 25 marks)

PART B (ALL QUESTIONS ARE COMPULSORY)

Question 3

Ramu and Along wanted to make some extra money to pay off their debts so they decided to ask their neighbour, Ali for a loan since they knew that Ali was rich. Along telephoned Ali, and Ali invited them over for dinner the following night.

Over dinner, Ramu mentioned that they each would like to borrow RM 4,000.00 from Ali. Upon hearing this, Ali was annoyed and immediately told them to leave his house. This made Along very angry and he reached out and punched Ali in his face which caused Ali to faint. Along then took a chair that was nearby and smashed a mirror that was facing him. As he was about to leave the room, he saw a beautiful painting that was hanging on the wall. He then took this painting with him.

In the meantime, Ramu went around the house to find for things that he could take. He saw Ali's wife, Inti hiding behind a door. Ramu pointed a knife that he had taken from the kitchen at Inti. He then asked her to hand over her gold bangles which she was wearing. Inti fearfully did as she was told. Ali's teenage daughter was upstairs in her room and she had quietly called the police. Both Ramu and Along were arrested.

a) Discuss the crimes committed by Ramu and Along.

(20 marks)

b) Assuming Along gave the painting to Kim Jong who knew how the painting came into Along's possession and agreed to keep the painting for Along. Discuss Kim Jong's liability.

(5marks)

(Total 25 marks)

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Question 4

Ali aged 25 and Nora aged 14 were in a relationship. However, Nora's parents did not allow her to meet Ali. Nora was so frustrated and planned to run away from home with Ali. Hence, one day after Nora's parents went out for work, Ali jumped over the main gate of Nora's house and opened the gate and he took Nora out from the house. They then went to Ali's house and Ali made proposals to have sexual intercourse with Nora, but she refused.

Ali did not force her but after four days, Nora submitted to Ali's request and they had sexual intercourse. Nora stayed for five days at Ali's house and she was left alone as the door was locked from outside of the house. This was because Ali thought it was necessary to protect her from any kind of harm.

Meanwhile, Nora's parents made a police report the day Nora moved to Ali's house alleging that she had been taken from them without their consent. The police arrested Ali and broke open the front door to save Nora. Initially she refused to follow the police as she wanted to stay back. But her parents came later to Ali`s house and they took her back with them.

Based on the above:

a) Determine all possible offences against Ali and available defences if, he claimed that Nora had acted on her freewill and that she was allowed to go out from the house via the backdoor if she really wanted to do so.

(20 marks)

b) Assuming Nora had escaped from the house and Ali stopped her by grabbing her wrist, would he be liable of any offence?

(5 marks)

(Total 25 marks)

Question 5

Section 34 of the Penal Code reads as follows:

When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if the act were done by him alone.

Explain how courts have relied on s 34 of the Penal Code to impute identical punishment on secondary offenders as if they are principal offenders.

(Total 25 marks)

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